

United States District Court
For the Northern District of California

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6 MAURICE S. THOMPSON, on behalf of
7 himself and all others similarly situated,

10 No. C 79-01630 WHA

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9 Plaintiff,

12 v.
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14 JEANNE S. WOODFORD, Acting Secretary,
15 California Department of Corrections and
16 Rehabilitation,
17 Defendant.

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20 **ORDER REFUSING TO
RESCHEDULE HEARING ON
MOTION TO INTERVENE AND
CHANGING CASE NAME**

21 Due to the resignation of Roderick Hickman from his position as secretary of the
22 California Department of Corrections and Rehabilitation, he is **HEREBY REPLACED AS**
23 **DEFENDANT WITH ACTING SECRETARY JEANNE S. WOODFORD**, pursuant to Federal Rule of
24 Civil Procedure 25(d)(1).

25 Would-be intervenor Freddie Fuiava filed a notice to change the hearing date of his
26 motion to intervene. Normally, movants unilaterally may renote a hearing date for a motion,
27 provided no opposition has been filed and the date by which an opposition was due has not yet
28 passed. In the instant case, however, the hearing date on the motion to intervene was set by the
Court so as to coincide with the hearing on the fairness of the proposed modification of the
consent decree. Movant Fuiava's request involves changes he wishes to see to the consent
decree. It therefore makes no sense to hold the hearing on the motion after the hearing on the
modification of the consent decree. Unless movant Fuiava provides a justification or excuse for

1 changing the hearing date on the motion to intervene, it will be heard and briefed on the
2 previous schedule.

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4 **IT IS SO ORDERED.**

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6 Dated: March 21, 2006

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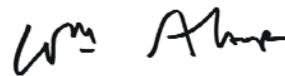
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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE